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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/302,034	04/29/1999	JAMES W, ROSE	A001	6384
22434	7590	07/12/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			DIXON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/302,034

Applicant(s)

ROSE ET AL.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-80,82-97,99,100 and 104-130 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-77,80,82-97,99,100,104-127,129 and 130 is/are allowed.
- 6) ☒ Claim(s) 78,79 and 128 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a status of the case.

Claims 1-36 were originally filed, claims 1-36 were cancelled and claims numbered 37-119 by preliminary amendment A, filed 12/10/1999.

Claim 81 was cancelled, and claims 120-125 were added by Amendment B, filed April 2 2001, also, a second claim numbered 48 was introduced, in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution, duplicate claim 48 has been renumbered as claim 126.

Claims were amended in Amendment C, filed 06/14/2001.

Claims were amended in Amendment D, filed 08/02/2001.

A decision from the board reversed the previous examiner. The case was reopened and references applied.

Claims have been amended, claims 81, 98, 101-103 have been cancelled and new claims 127-130 have been added. Claim 130 was inadvertently placed on the remarks page and could have been considered to be non-compliant with the new amendment practice, but was overlooked in view of the rejections below. A compliant amendment is recommended.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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2. Claims 78-79 and 128 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

as per claims 78-79, the phrase "the software product" lacks antecedent basis, it should be "the apparatus".

as per claim 128, the phrase "the system" should be "the reservation system".

Prior Art Made of Record

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

NetCaddy, though not detailed enough to use as evidence of all the features claimed, is submitted as evidence that the system of Cotton's system had been implemented in terms of its Tee time reservations if not its restaurant reservations aspect, even though the 102(e) date is its publication date of October 2000 rather than its US provisional of 16 April 1999.

Allowable Subject Matter

4. Independent Claims 37, 80, 99, 119, 120 are allowable.

5. The following is an examiner's statement of reasons for allowance:

As per claims 37, 120.

The prior art of record, specifically NetCaddy / Cotton in view of Mann ('096) and McNally et al ('214) does not disclose or fairly teach:

a first computer located at the restaurant, the first computer configured to store a first copy of the reservation booking database;

a second computer located at a location remote from the restaurant, the second computer configured to store a second copy of the reservation booking database; and

the first computer being connected to the second computer through the Internet, the first computer configured to be connected to the Internet using an always connected, non-dialup connection to the Internet so that the first computer and the

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second computer can synchronize the second copy of the reservation booking database when the first copy of the reservation booking database on the first computer is updated.

As per claims 80.

The prior art of record, specifically NetCaddy / Cotton in view of Mann ('096) and McNally et al ('214) does not disclose or fairly teach:

the local computer being further configured to store the reservation booking database;

the central computing location being further configured to store a second copy of the reservation booking database;

the local computer being connected to the central computing location through an always on non-dialup connection to the Internet so that the local computer and the central computing location can synchronize the second copy of the reservation booking database when the first copy of the reservation booking database on the local computer is updated.

As per claims 99.

The prior art of record, specifically NetCaddy / Cotton in view of Mann ('096) and McNally et al ('214) does not disclose or fairly teach:

providing a first computer at the first restaurant, the first computer configured to maintain the first reservation booking database;

providing a copy of the first reservation booking database at a central computing location;

providing an always on non-dialup Internet connection between the first computer and the central computing location; and

updating the copy of the first reservation booking database in substantially real time when the first restaurant books time-slots in the first reservation booking database to reserve tables for customers not making bookings over the Internet.

As per claims 119.

The prior art of record, specifically NetCaddy / Cotton in view of Mann ('096) and McNally et al ('214) does not disclose or fairly teach:

an update module configured to update over an always on non-dialup Internet connection a copy of the first reservation booking database maintained at a central computing location, the update module configured to update the copy of the first reservation booking database in a substantially real time when the first reservation booking database is updated.

The claims that depend from the above allowable claims are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas A. Dixon
Primary Examiner
Art Unit 3639

July 05